PATENT
Atty Docket No.: 10013448-1

In The U.S. Patent and Trademark Office

In Re the Application of:

Inventor(s):	Jean-Marc Villaret	Confirmation No.:	7792
Serial No.:	09/896,576	Examiner:	Clement B. Graham
Filed:	June 29, 2001	Group Art Unit:	3692

Title: SYSTEM AND ARRANGEMENT FOR PROCESSING PAYMENTS FOR
PURCHASES THROUGH A PAYMENT SERVER

MAIL STOP APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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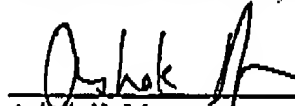
1 sheet of Transmittal of Appeal Brief (2 copies).

19 sheets of Appeal Brief – Patents.

Respectfully submitted,

MANNAVA & KANG, P.C.

June 13, 2007

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PATENT APPLICATION

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IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Jean-Marc Villaret	Confirmation No.: 7792
Application No.:09/896,576	Examiner: Clement B. Graham
Filing Date: June 29, 2001	Group Art Unit: 3692

Title: SYSTEM AND ARRANGEMENT FOR PROCESSING PAYMENTS FOR PURCHASES THROUGH A PAYMENT SERVER

**Mail Stop Appeal Brief-Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450**

TRANSMITTAL OF APPEAL BRIEF

Sir:

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on __March 14, 2007___.

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) $500.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

(X) (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

      (X) one month $120.00
      ( ) two months $450.00
      ( ) three months $1020.00
      ( ) four months $1590.00

( ) The extension fee has already been filled in this application.

( ) (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 08-2025 the sum of ___$620.00___. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

( ) I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450, Date of Deposit:_____
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Number of pages: 22

Typed Name: Judy H. Chung

Respectfully submitted,

Jean-Marc Villaret

By _____
Ashok K. Mannava

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Attorney Docket No.: 10013448-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s):   Jean-Marc Villaret

Confirmation No.:   7792

Serial No.:   09/896,576

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Commissioner for Patents
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Alexandria, VA 22313-1450

APPEAL BRIEF - PATENTS

Sir:

This is an Appeal Brief in connection with the decisions of the Examiner in a Final

Office Action dated December 29, 2006. It is respectfully submitted that the present

application has been more than twice rejected. Each of the topics required in an Appeal Brief

and a Table of Contents are presented herewith and labeled appropriately.

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(1)   Real Party In Interest

The real party in interest is Hewlett-Packard Development Company, L.P.

(2)   Related Appeals And Interferences

There are no other appeals or interferences related to this case.

(3)   Status Of Claims

Claims 1-6, 8-10, and 12-17 are pending and rejected. All pending claims are hereby
appealed.

(4)   Status of Amendments

No amendment was filed subsequent to the Final Office Action dated December 29,
2006.

(5)   Summary Of Claimed Subject Matter

Claim 1 provides a payment processing system having

a plurality of data communications devices adapted to transmit a plurality of payment

requests in connection with purchases (page 4, lines 2-15, and figure 1), each data

communications device configured to transmit the payment requests via a communication

channel of one of a plurality of protocol types, wherein each protocol type is different from

others of the plurality of protocol types and each payment request includes a merchant

identification code and a set of customer financial account data (page 6, lines 15-26); and

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a payment server arrangement including a database configured with a plurality of merchant identification codes, each merchant identification code associated with a financial institution identification code in the database (page 7, lines 5-20 and page 8, lines 2-12) the payment server arrangement further including a plurality of adapter modules coupled to the database, each adapter module executable on the server arrangement, compatible with one of the plurality of protocol types, and coupled to a respective one of the communications channels, each adapter module adapted to receive the payment requests from the data communications devices at the respective channel, each of the adapter modules having a payment processing application configured to identify from the database a financial institution identification code associated with the merchant identification code from a payment request and interface with a data processing system of a financial institution identified by the financial institution identification code consistent with a communications protocol associated with the identified financial institution, and provide the merchant identification code and set of customer financial account data to the identified financial institution for payment to a merchant identified by the merchant identification code (page 8, lines 5-32).

Claim 10 provides for a payment request processing arrangement configured and arranged for communication with a plurality of data communication devices and communication with a plurality of data processing systems located at a plurality of financial institutions, each data communication device configured to transmit a payment request via a communication channel of one of a plurality of protocol types, wherein each protocol type is different from others of the plurality of protocol types (page 4, lines 2-15, and figure 1), the arrangement comprising:

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a payment server configured and arranged to be responsive to the plurality of data

communications devices and including a database configured with a plurality of merchant

identification codes (page 6, lines 2-15 and page 7, lines 1-20), each merchant identification

code associated with a financial institution identification code in the database, the payment

server further including a plurality of adapter modules coupled to the database, each adapter

module executable on the server, compatible with one of the plurality of protocol types, and

coupled to a respective one of the communications channels (page 7, lines 5-20 and page 8,

lines 2-12), wherein each payment request includes a merchant identification code and a set

of customer financial account data, each adapter module having a payment processing

application configured to identify from the database a financial institution identification code

associated with the merchant identification code from a payment request and interface with a

data processing system of a financial institution identified by the financial institution

identification code consistent with a communications protocol associated with the identified

financial institution, and provide the merchant identification code and set of customer

financial account data to the identified financial institution for payment to a merchant

identified by the merchant identification code (page 8, lines 5-32).

Claim 14 provides for a system for processing payment requests from a plurality of

data communications devices, each payment request including a merchant identification code

and a set of customer financial data (page 4, lines 2-15, and figure 1), the system comprising:

a plurality of processor-executable adapter modules, each adapter module configured

to interface with one or more of the communications devices via a selected one of a plurality

of communications channels, wherein each communications channel is one of a plurality of

protocol types, and each protocol type is different from others of the plurality of protocol types (page 6, lines 2-24);

means, such as a computer connected to a network, for receiving payment requests from the data communications devices at the adapter modules via the communications channels (For example, the means may include the computer described in page 6, lines 22-26);

a database coupled to the adapter modules and configured with a plurality of merchant identification codes, each merchant identification code associated with a financial institution identification code in the database (page 7, lines 1-17);

means, such as software in a computer, for identifying from the database for each payment request, the financial institution code associated with the merchant identification code from the payment request, each financial institutions code identifying a financial institution having an associated data processing system for processing payment requests (For example, the means may include the software and computer described in page 7, lines 15-22); and

means, such as a network adapter, for interfacing with the data processing systems of the financial institutions consistent with payment protocols associated with the financial institutions to provide the merchant identification codes and sets of customer financial account data to the identified financial institutions for payment to merchants identified by the merchant identification codes of payment requests (For example, the means may include the network adapter described in page 8, lines 5-32).

Claim 15 provides for a computer-implemented method for processing payment requests from a plurality of data communications devices, each payment request including a

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merchant identification code and a set of customer financial data (page 4, lines 2-25, and figure 2), the method comprising:

providing a plurality of processor-executable adapter modules, each adapter module configured to interface with one or more of the communications devices via a selected one of a plurality of communications channels, wherein each communications channel is one of a plurality of protocol types, and each protocol type is different from others of the plurality of protocol types (page 6, lines 2-16);

configuring a database coupled to the adapter modules with a plurality of merchant identification codes and financial institution identification codes, wherein each merchant identification code is associated with a financial institution identification code in the database (page 6, lines 15-19);

receiving payment requests from the data communications devices at the adapter modules via the communications channels (page 7, lines 2-8);

identifying, using the database for each payment request, the financial institution code associated with the merchant identification code, each financial institution identified by a financial institution code having an associated data processing system for processing payment requests (page 7, lines 16-28); and

interfacing, for each payment request, with the data processing system of the identified financial institution consistent with a payment protocol associated with the identified financial institution, and providing the merchant identification code and set of customer financial account data to the identified financial institution for payment to a merchant identified by the merchant identification code (page 8, lines 5-32).

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(6)   **Grounds of Rejection to be Reviewed on Appeal**

a) Whether claims 1-6, 8-10, and 12-17 are unpatentable under 35 U.S.C. § 103(a)

over Tsiounis et al. 20010039535 ("Tsiounis") in view of Garnett 7,013,352 ("Garnett").

(7)   **Arguments**

<u>The rejection of claims 1-6, 8-10, and 12-17 under 35 U.S.C. §103(a) as being</u>

<u>unpatentable based on Tsiounis and Garnett is improper because Garnett does not</u>

<u>qualify as prior art against the claims</u>

The test for determining if a claim is rendered obvious by one or more references for

purposes of a rejection under 35 U.S.C. § 103 is set forth in MPEP § 706.02(j):

> To establish a *prima facie* case of obviousness, three basic criteria
> must be met. First, there must be some suggestion or motivation,
> either in the references themselves or in the knowledge generally
> available to one of ordinary skill in the art, to modify the reference
> or to combine reference teachings. Second, there must be a
> reasonable expectation of success. Finally, the prior art reference
> (or references when combined) must teach or suggest all the claim
> limitations. The teaching or suggestion to make the claimed
> combination and the reasonable expectation of success must both
> be found in the prior art and not based on applicant's disclosure. *In
> re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Therefore, if the above-identified criteria are not met, then the cited reference(s) fails

to render obvious the claimed invention and, thus, the claimed invention is distinguishable

over the cited reference(s).

The Garnett reference

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PAGE 11/22 * RCVD AT 6/13/2007 5:31:21 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-2/3 * DNIS:2738300 * CSID:7038655150 * DURATION (mm-ss):05-34

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The Garnett reference was filed on June 14, 2002. Garnett also claims priority to

provisional application number 60/311,505, filed on August 10, 2001. However, the

Appellants' application was filed on June 29, 2001. Therefore, the Appellants' application

predates the earliest claim to priority by Garnett. Accordingly, Garnet does not qualify as

prior art against the Appellants' application.

The Appellants further point out that an interview was conducted with Examiner

Graham on June 12, 2007. During the interview, the Appellants representative explained that

Graham does not qualify as prior art against the Appellants application. Examiner Graham

agreed that Garnett is not prior art in this case and indicated that the final rejection would be

withdrawn.

Accordingly, it is respectfully submitted that the rejection of claims 1-6, 8-10, and 12-

17 over Tsiounis and Garnett is improper and should be withdraw, because Garnett does not

qualify as prior art against the claims.

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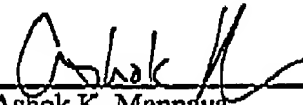App. Ser. No.: 09/896,576

(8)   Conclusion

For at least the reasons given above, the rejections of claims 1-6, 8-10, and 12-17 are

improper. Accordingly, it is respectfully requested that such rejections by the Examiner be

reversed and these claims be allowed. Attached below for the Board's convenience is an

Appendix of claims 1-6, 8-10, and 12-17 as currently pending.

Please grant any required extensions of time and charge any fees due in connection

with this Appeal Brief to deposit account no. 08-2025.

Respectfully submitted,

Dated: June 13, 2007   By   _____
                                        Ashok K. Mannava
                                        Registration No.: 45,301

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(9)   **Claim Appendix**

1.   A payment processing system comprising:

a plurality of data communications devices adapted to transmit a plurality of
payment requests in connection with purchases, each data communications device configured
to transmit the payment requests via a communication channel of one of a plurality of
protocol types, wherein each protocol type is different from others of the plurality of protocol
types and each payment request includes a merchant identification code and a set of customer
financial account data; and

a payment server arrangement including a database configured with a plurality
of merchant identification codes, each merchant identification code associated with a
financial institution identification code in the database, the payment server arrangement
further including a plurality of adapter modules coupled to the database, each adapter module
executable on the server arrangement, compatible with one of the plurality of protocol types,
and coupled to a respective one of the communications channels, each adapter module
adapted to receive the payment requests from the data communications devices at the
respective channel, each of the adapter modules having a payment processing application
configured to identify from the database a financial institution identification code associated
with the merchant identification code from a payment request and interface with a data
processing system of a financial institution identified by the financial institution identification
code consistent with a communications protocol associated with the identified financial
institution, and provide the merchant identification code and set of customer financial
account data to the identified financial institution for payment to a merchant identified by the
merchant identification code.

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2.   The payment processing system of claim 1, wherein at least one of the adapter

modules is configured to communicate data with a mobile communications device consistent

with an SSL/SET communications protocol thereby ensuring a high level of security in

communicating the customer financial account data.

3.   The payment processing system of claim 3, further comprising a customer

financial server responsive to the mobile communications device and communicatively

coupled to the payment server, the customer-controlled server configured to transmit the set

of customer financial account data at the high level of security sought by the financial

institution.

4.   The payment processing system of claim 1, wherein at least one of the adapter

modules is configured to communicate data with an POS terminal consistent with a POS

communications protocol thereby ensuring a high level of securing in communicating the

customer financial account data.

5.   The payment processing system of claim 1, wherein at least one of the adapter

modules is configured to communicate data with a set top box arrangement consistent with a

cable network communications protocol thereby ensuring a high level of securing in

communicating the customer financial account data.

6.   The payment processing system of claim 1, wherein at least one of the adapter

modules is configured to communicate data with a set top box arrangement consistent with a

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satellite network communications protocol thereby ensuring a high level of securing in communicating the customer financial account data.

8.   The payment processing system of claim 1, further comprising a merchant transactions database that includes historical information of payments processed by the payment server arrangement, wherein the historical information is configurable for demographic research.

9.   The payment processing system of claim 2, wherein the at least one of the adapter modules configured to communicate with a mobile communications device is also configured to communicate data with a vending machine and a kiosk, thereby reducing the number of adapter modules dedicated to the data communications devices.

10.   A payment request processing arrangement configured and arranged for communication with a plurality of data communication devices and communication with a plurality of data processing systems located at a plurality of financial institutions, each data communication device configured to transmit a payment request via a communication channel of one of a plurality of protocol types, wherein each protocol type is different from others of the plurality of protocol types, the arrangement comprising:

a payment server configured and arranged to be responsive to the plurality of data communications devices and including a database configured with a plurality of merchant identification codes, each merchant identification code associated with a financial institution identification code in the database, the payment server further including a plurality

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of adapter modules coupled to the database, each adapter module executable on the server, compatible with one of the plurality of protocol types, and coupled to a respective one of the communications channels, wherein each payment request includes a merchant identification code and a set of customer financial account data, each adapter module having a payment processing application configured to identify from the database a financial institution identification code associated with the merchant identification code from a payment request and interface with a data processing system of a financial institution identified by the financial institution identification code consistent with a communications protocol associated with the identified financial institution, and provide the merchant identification code and set of customer financial account data to the identified financial institution for payment to a merchant identified by the merchant identification code.

12. The arrangement of claim 10, further comprising a merchant transactions database that includes historical information of payments processed by the payment server arrangement, wherein the historical information is configurable for demographic research.

13. The arrangement of claim 10, wherein at least one of the adapter modules is configured to communicate data with a set top box arrangement consistent with a cable network communications protocol thereby ensuring a high level of securing in communicating the customer financial account data.

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14.   A system for processing payment requests from a plurality of data

communications devices, each payment request including a merchant identification code and

a set of customer financial data, the system comprising:

a plurality of processor-executable adapter modules, each adapter module configured

to interface with one or more of the communications devices via a selected one of a plurality

of communications channels, wherein each communications channel is one of a plurality of

protocol types, and each protocol type is different from others of the plurality of protocol

types;

means, such as a computer connected to a network, for receiving payment requests

from the data communications devices at the adapter modules via the communications

channels;

a database coupled to the adapter modules and configured with a plurality of merchant

identification codes, each merchant identification code associated with a financial institution

identification code in the database;

means, such as software running on a computer, for identifying from the database for

each payment request, the financial institution code associated with the merchant

identification code from the payment request, each financial institutions code identifying a

financial institution having an associated data processing system for processing payment

requests; and

means, such as a network interface, for interfacing with the data processing systems

of the financial institutions consistent with payment protocols associated with the financial

institutions to provide the merchant identification codes and sets of customer financial

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account data to the identified financial institutions for payment to merchants identified by the merchant identification codes of payment requests.

15.   A computer-implemented method for processing payment requests from a plurality of data communications devices, each payment request including a merchant identification code and a set of customer financial data, the method comprising:

providing a plurality of processor-executable adapter modules, each adapter module configured to interface with one or more of the communications devices via a selected one of a plurality of communications channels, wherein each communications channel is one of a plurality of protocol types, and each protocol type is different from others of the plurality of protocol types;

configuring a database coupled to the adapter modules with a plurality of merchant identification codes and financial institution identification codes, wherein each merchant identification code is associated with a financial institution identification code in the database;

receiving payment requests from the data communications devices at the adapter modules via the communications channels;

identifying, using the database for each payment request, the financial institution code associated with the merchant identification code, each financial institution identified by a financial institution code having an associated data processing system for processing payment requests; and

interfacing, for each payment request, with the data processing system of the identified financial institution consistent with a payment protocol associated with the

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identified financial institution, and providing the merchant identification code and set of

customer financial account data to the identified financial institution for payment to a

merchant identified by the merchant identification code.

16.   The method of claim 15, after the interfacing step, further comprising:

processing payment at the identified financial institutions; and

storing the processed payment as data in a merchant transactions database.

17.   The method of claim 15, wherein the step of identifying the financial

institutions includes providing a merchant/bank identification database that includes

historical information of processed payments, wherein the historical information is

configurable for demographic research.

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(10)   Evidence Appendix

None.

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(11)   Related Proceedings Appendix

None.